

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

A BILL FOR

1 An Act relating to the smokefree air Act, and making penalties
2 applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 142D.1, subsections 2 and 3, Code 2020,
2 are amended to read as follows:

3 2. The general assembly finds that environmental tobacco
4 ~~smoke causes and exacerbates~~ and vapor products cause and
5 exacerbate disease in nonsmoking adults and children. These
6 findings are sufficient to warrant measures that regulate
7 smoking in public places, places of employment, and outdoor
8 areas in order to protect the public health and the health of
9 employees.

10 3. The purpose of this chapter is to reduce the level of
11 exposure by the general public and employees to environmental
12 tobacco smoke and vapor products in order to improve the public
13 health of Iowans.

14 Sec. 2. Section 142D.2, subsection 21, Code 2020, is amended
15 to read as follows:

16 21. "*Smoking*" means inhaling, exhaling, burning, or carrying
17 any lighted or heated cigar, cigarette, pipe, ~~or~~ other tobacco
18 product, or vapor product in any manner or in any form.
19 "*Smoking*" does not include smoking that is associated with a
20 recognized religious ceremony, ritual, or activity, including
21 but not limited to burning of incense.

22 Sec. 3. Section 142D.2, Code 2020, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 23. "*Vapor product*" means the same as
25 defined in section 453A.1.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill amends the smokefree air Act (Code chapter 142D).
30 The bill amends the findings and purposes of the Code chapter
31 to include vapor products as well as environmental tobacco
32 smoke. The bill also amends the definition of "smoking"
33 to include vapor products, thereby making the provisions
34 of the Code chapter, including the prohibition against and
35 penalties applicable to smoking in certain public places,

1 places of employment, and outdoor areas, also applicable to
2 vapor products. Applicable penalties include: for a person
3 who violates the Code chapter by smoking in an area where
4 smoking is prohibited, a scheduled fine of \$50 which is a civil
5 penalty; for a person who owns, operates, manages, or otherwise
6 has custody or control of a public place, place of employment,
7 area declared a nonsmoking place, or outdoor area regulated
8 under the bill and who fails to comply with the Code chapter,
9 for a first violation, a civil monetary penalty not to exceed
10 \$100, for a second violation within one year, a civil monetary
11 penalty not to exceed \$200, and for each violation in excess of
12 a second violation within one year, a civil monetary penalty
13 not to exceed \$500 for each additional violation; for an
14 employer who discharges or in any manner discriminates against
15 an employee because the employee has made a complaint or has
16 provided information or instituted a legal action under the
17 bill, a civil penalty of not less than \$2,000 and not more than
18 \$10,000 for each violation. In addition, a violation of the
19 bill by a person who owns, operates, manages, or who otherwise
20 has custody or control of a public place, place of employment,
21 area declared a nonsmoking place, or outdoor area may result in
22 the suspension or revocation of any permit or license issued to
23 the person for the premises on which the violation occurred;
24 and a violation of the bill constitutes a public nuisance
25 which may be abated by the department of public health or the
26 department's designee by restraining order, preliminary or
27 permanent injunction, or other means provided by law, and the
28 entity abating the public nuisance may take action to recover
29 the costs of such abatement.